



Town of Brookline

Massachusetts

PLANNING BOARD

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Linda K. Hamlin, Chairman
Steve Heikin Clerk
Robert Cook
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Mark J. Zarrillo

To: Brookline Board of Appeals
From: Brookline Planning Board
Date: October 8, 2015
Subject: **Convert basement garage to a Cross-Fit health club**
Location: **40 Aspinwall Avenue (Brookline Teen Center)**

Atlas Sheet: 32
Block: 155
Lot: 10 and 11

Case #: 2015 0046
Zoning: L-1.0
Lot Area (s.f.): 23,000 ±

Board of Appeals Hearing: October 22, 2015 at 7:00 p.m.

BACKGROUND

2011 – BOA Case # 2011-0028 - Board of Appeals approved relief to convert an auto sales and repair shop to a Brookline Teen Center with five short term parking spaces (out of 21) and three to six employee parking spaces off-site and construct an addition to make it handicap accessible.

BOA Case # 0220029 (12/17/02) - Board of Appeals approved relief for the existing surface lot to be used partly for outdoor sales and storage of automobiles.

6/76 & 10/82, BOA Case #'s 2067 and 2067A – Board of Appeals approved this abandoned garage for the sale, servicing and storage of automobile tires and other motor vehicle accessories on the lower and first floor (10,000 s.f.) and for office showroom space (2,000 s.f.) and storage (8,000 s.f.) on the upper floor. The Board found that the use, #26, is a preexisting nonconforming use and imposed some conditions for limiting evening business hours. In the second case, the BOA approved use of the entire building for an auto body shop and found that in Case #2067 although stated to be under Use 26 could have granted either Use 26 or 28 and that this case modifies the prior one to allow both.

SITE AND NEIGHBORHOOD

40 Aspinwall Avenue is a renovated two story brick building currently used by the Brookline Teen Center but used at an earlier time for automotive related uses, including a repair garage and outdoor storage space of motor vehicles for sale or lease. Access to the basement garage is via a ramp. The surrounding neighborhood is made up of larger multi-family buildings, triple deckers, and non-automobile commercial uses. On the corner of Aspinwall and Harvard Streets is a Walgreen's Drugstore. Walgreen's parking lot and an NStar transformer site is located directly behind the Brookline Teen Center.

APPLICANT'S PROPOSAL

The applicant, BodyScapes, is proposing to sublease the basement garage at 40 Aspinwall Avenue from the Brookline Teen Center (BTC) and convert it to a health center of 6,592 square feet. (The gym was previously located at 1285 Beacon Street.) There will be men's and women's locker rooms and a unisex handicap accessible bathroom. Some of the basement space will still be used by the BTC for storage. Ten parking spaces on one side of the parking lot will be for the exclusive use of the BTC and eight parking spaces on the other side for BodyScapes. Previously, both the surface spaces and interior garage spaces were rented to off-site users. The entrance to the gym will be through the main door used by the teen center, with stairs leading down to the gym space.

FINDINGS

Section 4.07, Use #18a – Permitted Uses

A health and fitness club over 2,500 s.f. requires a special permit.

Section 6.02, Paragraph 1 – Table of Off- Street Parking Requirements

Sixteen parking spaces are required for the basement use and only eight are proposed. Under the following two sections of relief if the appropriate criteria are met, the parking requirement may be lowered by special permit.

	Required	Allowed by Special Permit	Proposed	Finding
Parking	16	8	8	<u>Special Permit*/Variance</u>

** Under **Section 6.02.1.c - Off-Street Parking Regulations (Dual Use Parking)** a special permit may reduce parking requirements for two or more uses where it is demonstrated that the hours or days of peak parking need are so different that a lower total provides adequate parking.*

BTC's hours are: Monday 2:30 PM to 8 PM; Tuesday – Thursday 3 PM to 8 PM; Friday – Saturday 3 PM to 10 PM; Sunday - closed.

Cross-Fit's hours will be: Monday - Friday 6 AM to 8 PM; Saturday 9:30 AM to 1:30 PM and Sunday 10 AM to 1 PM.

Therefore, there is **no overlap on Saturday and Sunday, nor on Monday - Friday, 6 AM to 2:30 PM/3 PM. Overlap will occur late afternoon and early evening on week days**, when activity is relatively light for Cross-Fit, as compared to its busiest time in the early morning hours when the BTC is closed.

*** Under Section 6.02.5.d - Off-Street Parking Regulations (Lower Than Normal Use)**

A special permit may reduce up to ½ the parking requirement for a use that has a lower than normal parking demand.

The maximum occupancy is 25 people; however, the **average number of employees and gym users at the busiest times in the early morning hours, is a class of 15, with no more than 2 employees.** Between 5 PM and 7 PM there is a smaller rush, and the rest of the day typically has only 2 or 3 users at a time, and 1 employee.

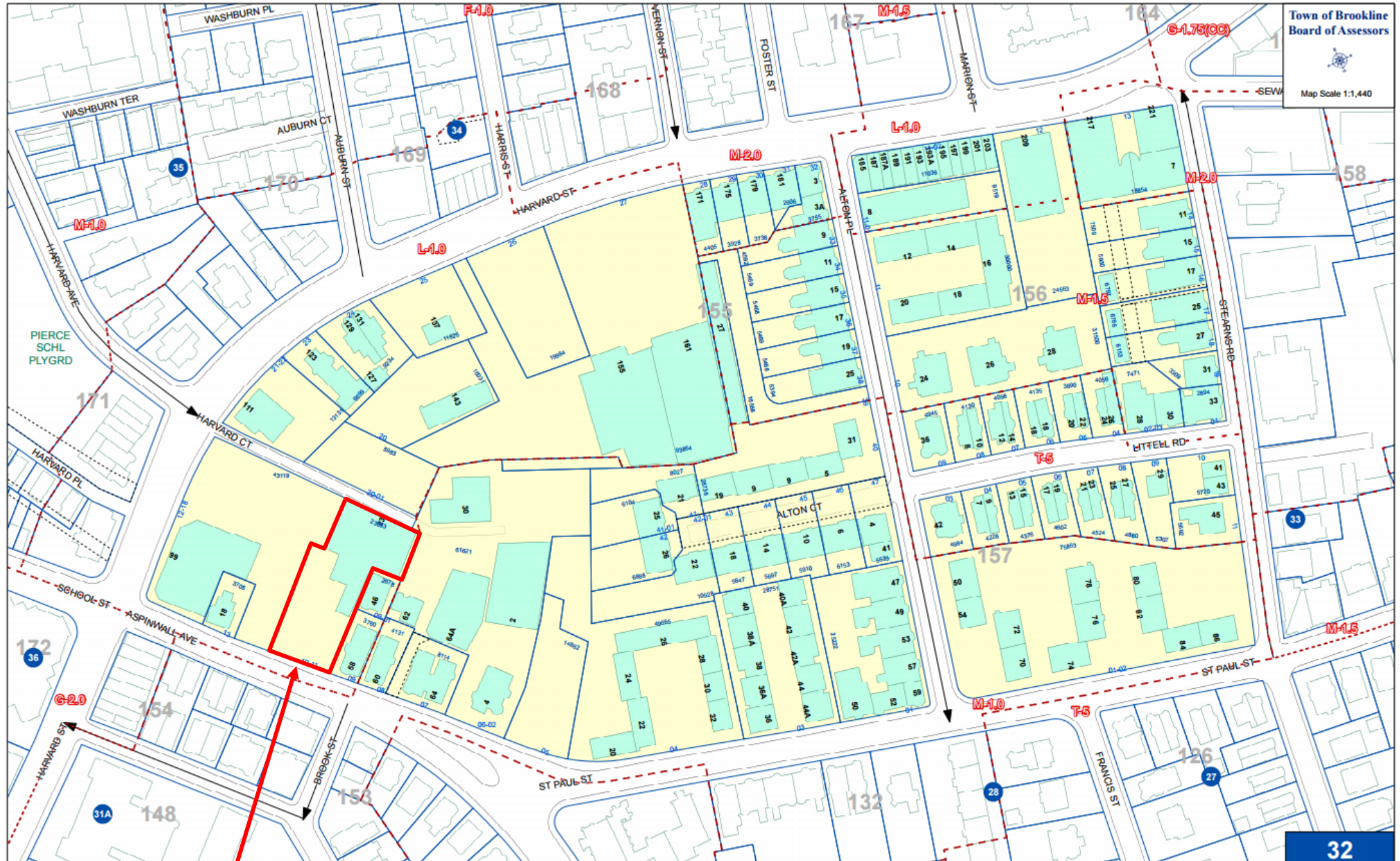
Modification, if required, to Board of Appeals Case #2011-0028 (9/28/11) – The prior case refers to the building having only one user - the teen center, and this proposal modifies that since there will be two users.

PLANNING BOARD COMMENTS

The Planning Board supports the conversion of the garage space into a gym. Since parking spaces that had been rented to off-site users will now be available for Crossfit users and employees, there should be adequate parking for this second use, especially because gym goers are more likely than average to walk or ride a bicycle to the site. Traffic impact to abutters also should be less because the basement space will be used by the gym, rather than as it was previously for parking. Public transportation is also available via the Harvard Street bus, and the Brookline Village MBTA rapid transit stop is nearby.

Therefore, the Planning Board recommends approval of the site plan and floor plans labelled “Crossfit Gym Permit Set, dated 7/7/15, subject to the following conditions:

1. **Prior to the issuance of a building permit, a final parking lay-out plan with handicapped parking space(s) and floor plans indicating perimeter wall construction and window replacement, if any, shall be subject to the review and approval of the Assistant Director for Regulatory Planning.**
2. **Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision:**
 - 1) a final site plan, stamped and signed by a registered engineer or land surveyor, including the parking lay-out;
 - 2) floor plans stamped and signed by a registered architect; and
 - 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.



Town of Brookline
Board of Assessors
Map Scale 1:1,440

40 Aspinwall Avenue

Map data updated Feb 2010 by Town of Brookline GIS and printed on 04/08/2010

CROSSFIT GYM - PERMIT SET

40 ASPINWALL AVE.
BROOKLINE, MA

GENERAL CONSTRUCTION NOTES

1.

All work included in this contract shall conform to all local, state, national and other applicable building, electrical, mechanical, life safety and health and fire codes, regulations and restrictions which apply to this project.
2.

The Contractor shall visit the site and verify all conditions, general dimensions and configuration prior to submitting the Bid and shall notify, in writing, the Architect/Designer of any discrepancies between actual conditions and the drawings.
3.

The Contractor shall report any discrepancies in the Contract Documents to the Architect/Designer in writing. Contractor shall proceed with the work only after the Architect/Designer has resolved discrepancy. Contractor shall work from given dimensions and notes only. Do not scale from drawings. If a dimension is missing, consult Architect/Designer before proceeding.
4.

The Contractor shall include any demolition necessary to perform the work as indicated in the drawings and shall be responsible for removal of all trash and debris created during demolition and construction in accordance with all applicable building and health codes and regulations. Building or site components which are affected by new work, demolition, or which may be damaged by the General Contractor or any subcontractors, shall be replaced or restored to original condition and color as approved by Architect/Designer.
5.

The General Contractor shall furnish all labor and materials necessary to complete the project as indicated on the drawings except as otherwise noted. All new work to be joined to existing work in such a manner that the final appearance is homogeneous. All holes, marks, scratches, gouges or damage created during the construction process, including the removal or relocation of existing structure, finishes, fixtures, shelving, hardware, etc. shall be patched, sanded smooth and refinished.
6.

The General Contractor shall guarantee all his/her work and materials to be free of all defects for a period of not less than one year from the date of the Owner's approval of work and materials. Any work or materials that become defective or found to be missing within one year from approval shall be repaired and/or replaced without charge to the Owner.
7.

Before penetrating joists, beams or other structural members, consult with the Architect/Designer in ALL cases.
8.

The Contractor is to submit shop drawings, samples, specifications or plans for all millwork, casework, structural hanging systems, finishes, etc. to the Architect/Designer for approval. All material samples, such as stone, paint, wood stains and wood samples are to be submitted to the Architect/Designer for approval.
9.

All items in specifications noted as T.B.D. (To Be Determined) are to be approved by client and Architect/Designer prior to installation. All items in specifications that are substituted by client or contractor are to be approved by Architect/Designer.
10.

The General Contractor shall obtain and pay for any building permits required.
11.

All contractors on the job are required to have insurance of the types and limits appropriate to or exceeding the value of the work involved, or as may be otherwise indicated by the Owner or Condo Association.
12.

The Contractor shall dispose of all waste and debris off premises.
13.

The General Contractor shall be responsible for the coordination of the work of all trades. The General Contractor shall notify the Architect/Designer in writing of any and all conflicts between trades and shall obtain written resolution for the Architect/Designer prior to proceeding with construction in all areas affected by the conflict.
14.

Substitutes will only be permitted where the product specified is followed by or "or approved equal." Substitutions MUST be submitted to Architect/Designer for approval and be approved in writing prior to their installation.
15.

All electrical work shall conform to all applicable Massachusetts and National Electrical Codes. The Electrical Contractor shall obtain all necessary permits and shall add the indicated lighting, appropriate power requirements implied and make all final connections. The Contractor shall maintain all existing fire protection devices and equipment in full operation throughout construction of the project.
16.

All plumbing / HVAC work shall conform to all applicable Massachusetts and National Codes. The plumbing and/or HVAC contractor shall obtain all necessary permits and shall add the indicated work and that implied by the code and make all final connections. The plumbing contractor shall maintain all existing fire protection devices and equipment in full operation throughout construction of the project.
17.

The Owner reserves the right to let other contracts in connection with this work. The General Contractor shall afford other contractors reasonable opportunity for the introduction and storage of materials. The execution of their work shall properly connect and coordinate with the General Contractor's work.
18.

General Contractor shall provide:

18.1.

All necessary security and control for the Owner's property.

18.2.

Cutting and patching of building components as may be required to complete the work as indicated. Construction Schedules for the total project to be updated at all scheduled job meetings to be attended by the Owner and Architect/Designer.

18.3.

Schedule of values for separate portions of the work shall be enumerated in the bid according to the major CSI categories. Project specific portions of work, and/or add alternates are to be broken out as noted below in Project Notes.

18.4.

Temporary services: any temporary power, electrical lighting, water, storage, etc. are the responsibility of the General Contractor, to be coordinated with Owner prior to construction.

18.5.

Materials for storage protection.

18.6.

Final project cleaning and closeout.

18.7.

Payments will be made to the Contractor based on percentage completion of the work performed and the value of materials stored on site and approved by the Architect/Designer, unless indicated otherwise by the Owner.

MILLWORK NOTES:

1.

SHOP DRAWINGS ARE REQUIRED FOR ALL MILLWORK; SHOP DRAWINGS TO BE PROVIDED BY THE MILLWORK CONTRACTOR FOR ARCHITECT'S REVIEW PRIOR TO APPROVING ANY CABINET ORDER.
2.

The Millwork Contractor is responsible for determining and verifying materials, field measurements and field construction criteria related thereto and shall check and coordinate with the requirements of the Work and the Contract Documents.
3.

The Millwork Contractor shall NOT be relieved of responsibility for deviations from requirements of the contract documents by the Architect's approval of Shop Drawings, Product Data, Samples or similar submittals unless the Millwork Contractor has specifically informed the Architect of such deviation at the time of submittal and the Architect has given written approval to the specific deviation. Please notify Architect of any discrepancies found in the field.
4.

Work from given dimensions and large-scale drawings only. Do not scale from Drawings. If a dimension is missing, consult Architect before proceeding.
5.

The Millwork Contractor shall furnish all labor and materials necessary for a complete installation.
6.

The Millwork Contractor shall guarantee all his/her work and materials to be free of all defects for a period of not less than one year from the date of the Owner's approval of Work and Materials. Any work or materials that become defective within one year from approval shall be repaired and/or replaced without charge to the Owner.
7.

The Millwork Contractor shall dispose of all waste wher indicated by General Contractor.
8.

Cabinets are to be 3/4" plywood with FULL OVERLAY MDF doors and shall have PLX INTERIORS.

PROJECT NOTES:

1.

DRAWING LIST

- A0.0 GENERAL NOTES

A0.1 ARCHITECTURAL PARKING PLAN

A1.0 EXISTING PLAN

A1.1 ARCHITECTURAL PLAN

A1.2 SWITCHING + RCP
- LS0.1 LIFE SAFETY NOTES

LS1.0 LIFE SAFETY PLANS

CROSSFIT GYM
PERMIT SET
40 ASPINWALL AVE
BROOKLINE, MA

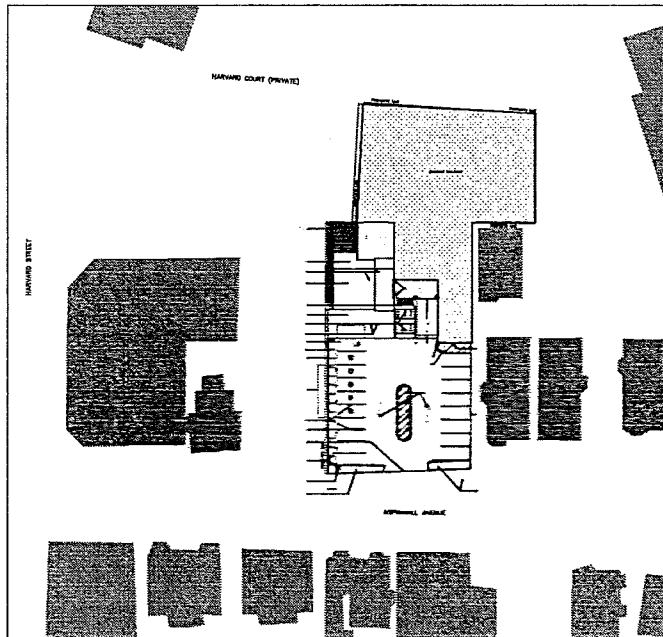
REVISIONS:	
	1
	2
	3

DESIGNER: ID8 DESIGN STUDIO LLC
36 BROMFIELD ST. #310
BOSTON MA 02108
TEL: 857.991.7100
SASHYA@ID8DESIGNSTUDIO.COM

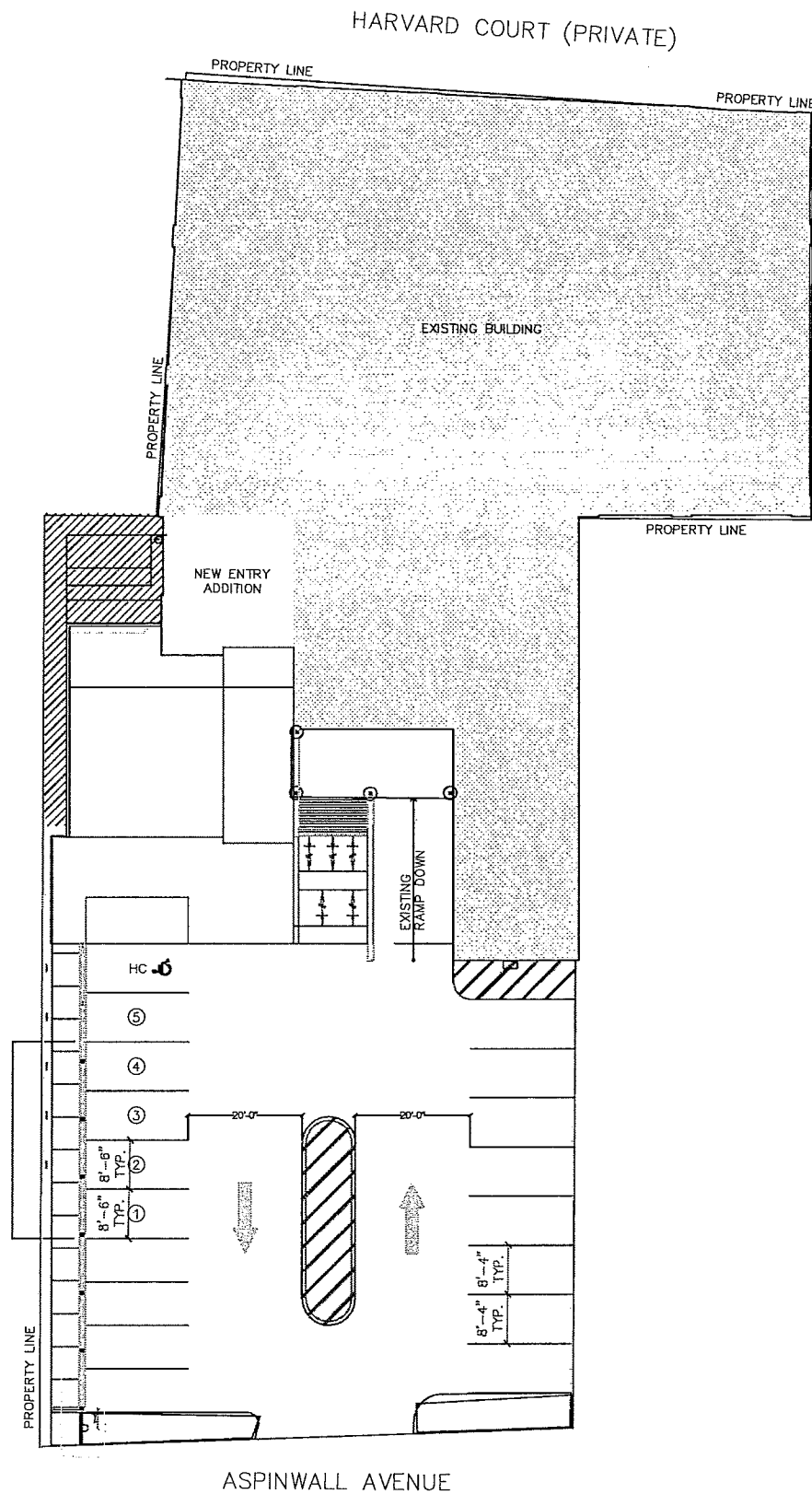
ARCHITECT: THOMAS NEAL, AIA

DATE: 07 JULY 2015
SCALE: AS NOTED
DRAWN: INT
PROJECT: PRJ-CDE

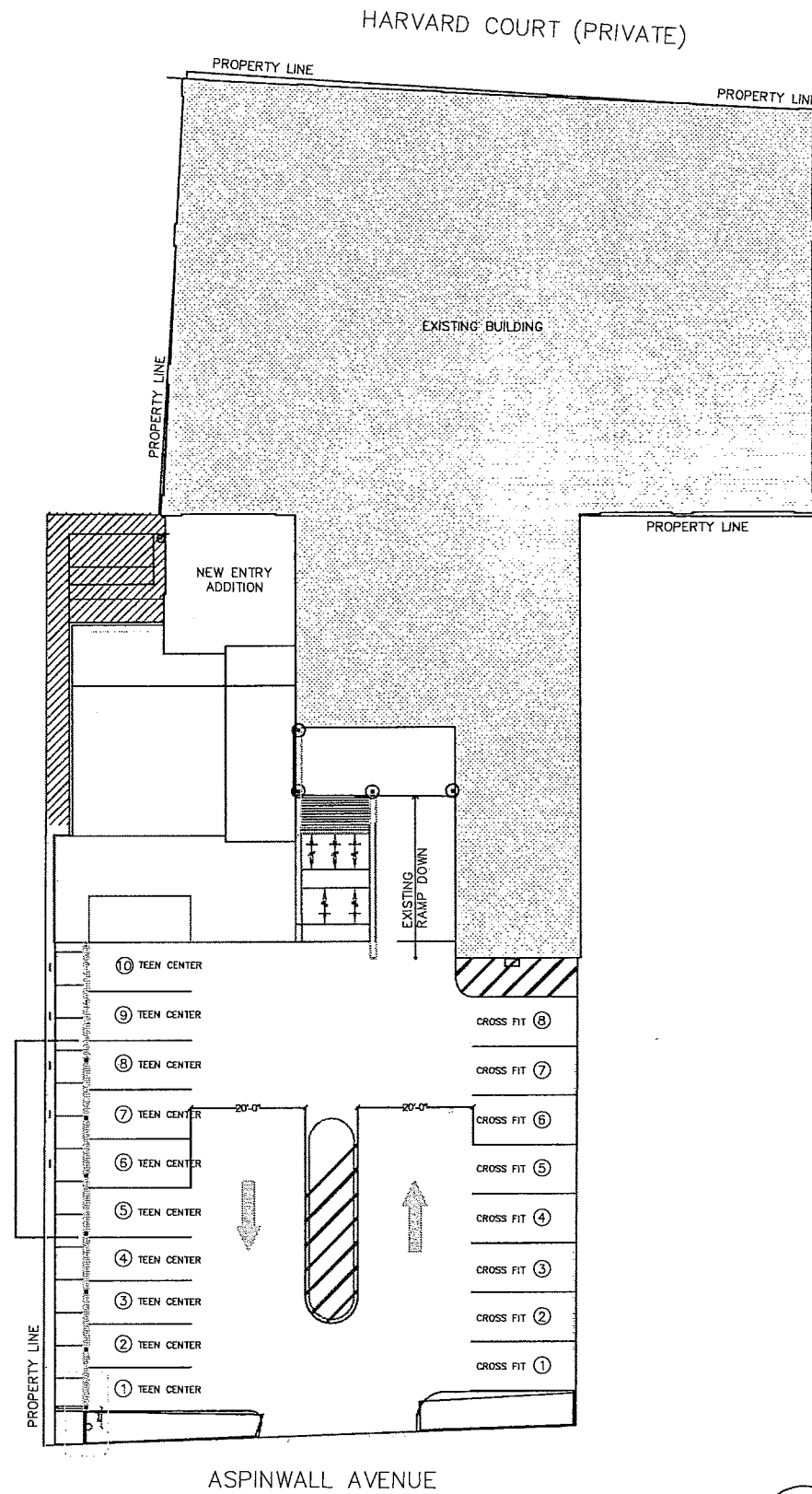
TOC + NOTES
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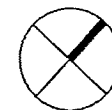
SITE PLAN: NTS



EXISTING PARKING CONDITIONS



PROPOSED PARKING CONDITIONS



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ARCHITECT: THOMAS NEAL, AIA

DATE: 07 JULY 2015
SCALE: 1/8" = 1'
DRAWN: INT
PROJECT: PRJ-CDE


CROSSFIT GYM PERMIT SET
40 ASPINWALL AVE
BROOKLINE, MA

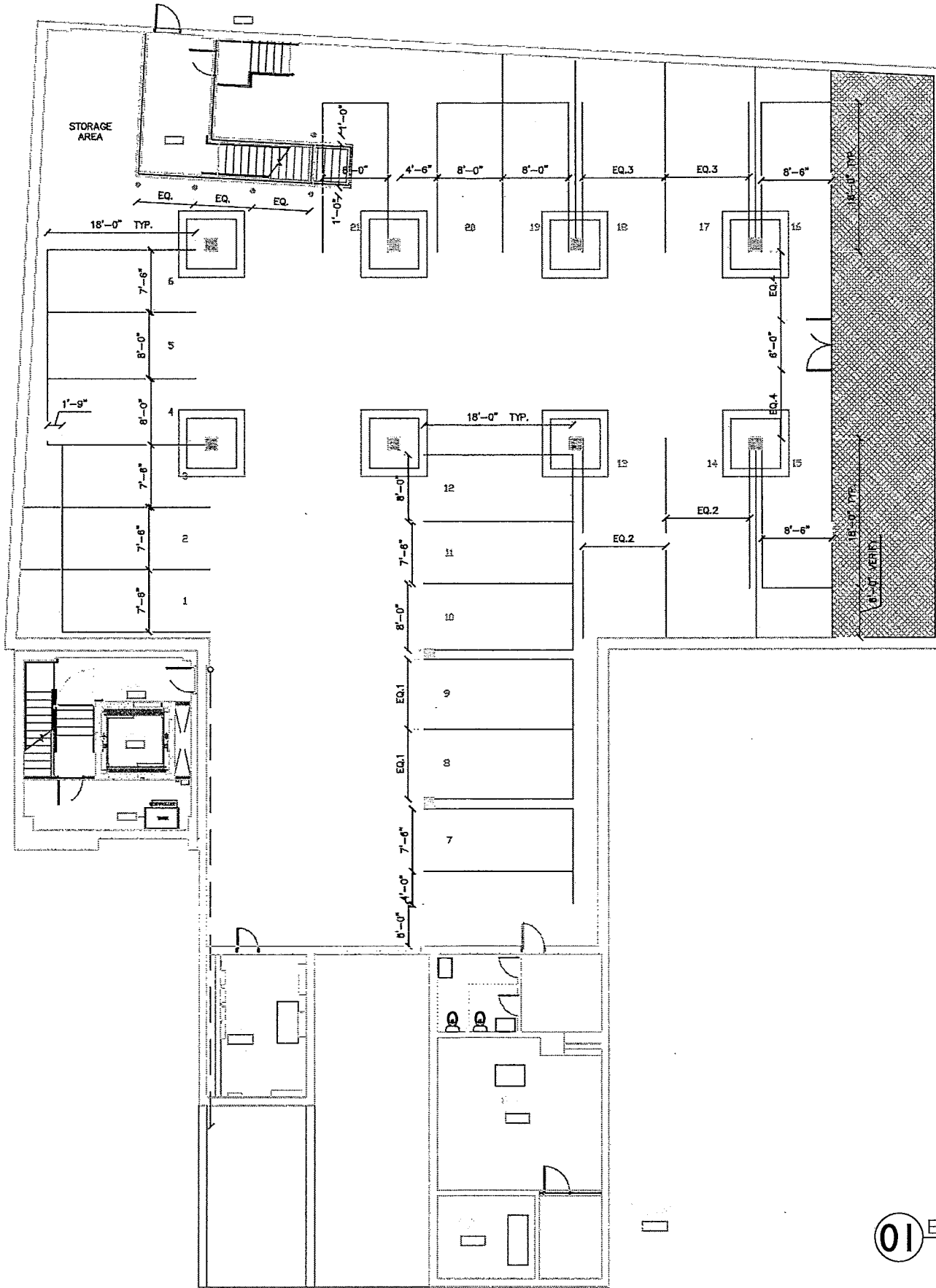
ARCH. PLAN
PARKING

A 0.1

REVISIONS:

1	-
2	-
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-  PARKING STORAGE UNITS,
 OPEN CHAIN-LINK
 DESIGN-GALVANIZED
 1. ALL SINGLE GATES
 3'Wx8'H; TYPICAL
 2. DOUBLE GATE 6'Wx8'H;
 TYPICAL



01 EXISTING ARCHITECTURAL PLAN
 SCALE: 1/8"=1'-0"

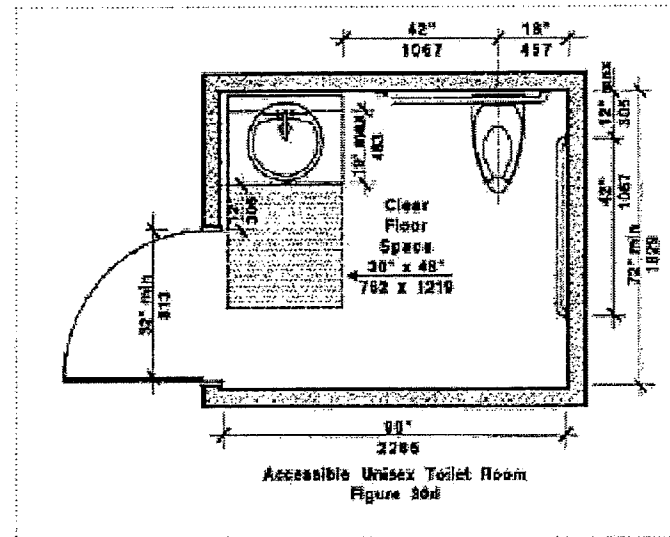
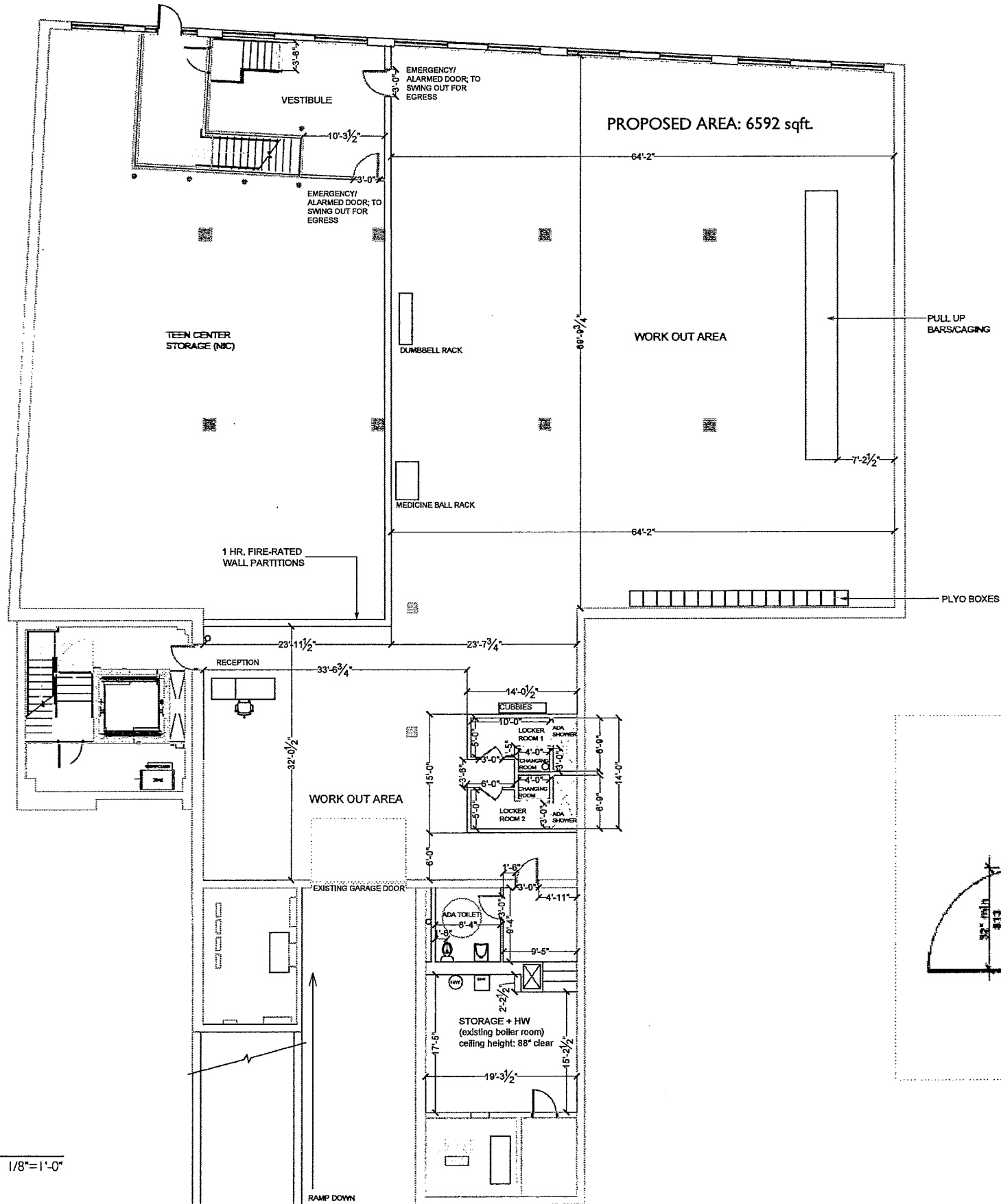
CROSSFIT GYM PERMIT SET
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 BROOKLINE, MA

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REVISIONS:
 1 -
 2 -
 3 -

EXISTING
 ARCH. PLAN
 A 1.0

DATE: 07 JULY 2015
 SCALE: 1/8" = 1'
 DRAWN: INT
 PROJECT: PRJ-CDE



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DATE: 07 JULY 2015
SCALE: 1/8" = 1'
DRAWN: INT
PROJECT: PRJ-CDE

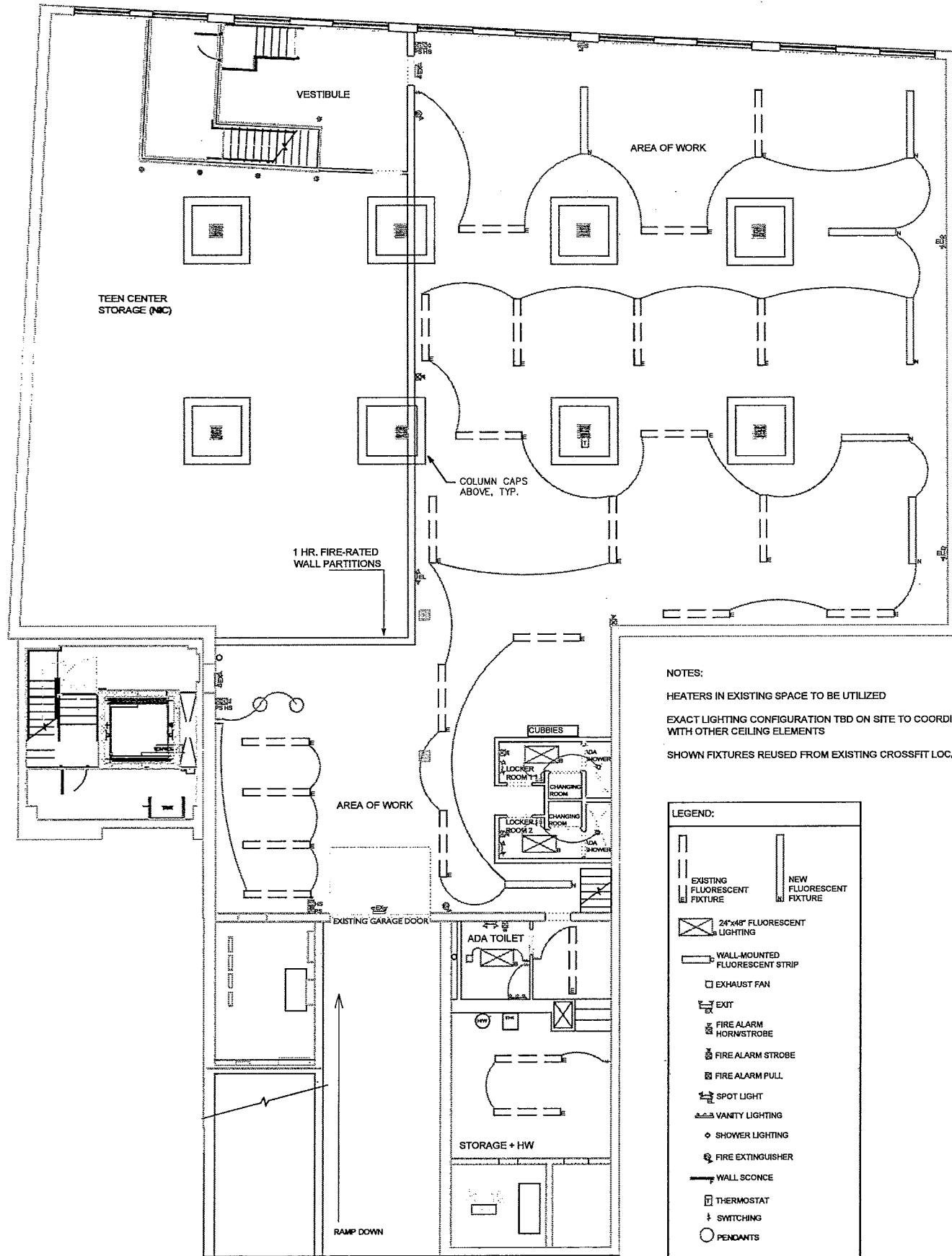
CROSSFIT GYM
40 ASPINWALL AVE
BROOKLINE, MA

PROPOSED
ARCH. PLAN
A 1.1

REVISIONS:

A	-
A	-
A	-

PERMIT SET



03 REFLECTED CEILING PLAN SCALE: 1/8"=1'-0"

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CROSSFIT GYM PERMIT SET
40 ASPINWALL AVE
BROOKLINE, MA

SWITCHING + RCP
A 1.2

DATE: 07 JULY 2015
SCALE: 1/8" = 1'
DRAWN: INT
PROJECT: PRJ-CDE

Table with 2 columns: REVISIONS, and 3 rows of revision details.

Table 1: Minimum Facilities For Building Occupancy. (*Optional by owner)

Building Clarification	Use Group	Toilets		Urinals Males	Lavatories Each Sex	Drinking Fountain	Bath/Shower	Other Fixtures	Pertinent Regulations 248 CMR 10.10(19)
		Females	Males						
Medical/Health Care Building	B	1 per 45	1 per 55	50%	1 per 200	1 Per each set of restrooms	1 per each set of restrooms		(i), (k), (m), (n), (p)
Office Buildings	B	1 per 20	1 per 25	33%	1 per 50	1 per Floor		Service Sink Per Foot	(i), (m), (n), (p)
Retail (Mercantile)	M	1 per 20	1 per 20	33%	1 per 40				(i), (m), (n), (p)
Waiting Rooms (Airports, Railroad and Bus Stations)	A	1 per 35	1 per 75	50%	1 per 200	1 per 500			(b), (m), (n), (p)

Code Type	Applicable Code (Model Code Basis)
Building	780 CMR: Massachusetts State Building Code, 8 th Edition (2009 International Building Code)
Fire Prevention	527 CMR: Massachusetts Fire Prevention Regulations M.G.L. Chapter 148 Section 26G – Sprinkler Protection
Accessibility	521 CMR: Massachusetts Architectural Access Board Regulations
Electrical	527 CMR 12.00: Massachusetts Electrical Code (2014 National Electrical Code)
Elevators	524 CMR: Massachusetts Elevator Code (2004 ASME A17.1)
Mechanical	2009 International Mechanical Code (IMC)
Plumbing	248 CMR: Massachusetts Plumbing Code
Energy Conservation	2009 International Energy Conservation Code & Stretch Energy Code

MEANS OF EGRESS

The proposed occupant load is 25.

Maximum exit access travel distance must be less than 250 ft (300 ft allowed from Use Group B spaces) (780 CMR Table 1016.1).

1009.1 Stairway width. The width of stairways shall be determined as specified in Section 1005.1, but such width shall not be less than 44 inches (1118 mm). See Section 1007.3 for accessible means of egress stairways.

Exceptions: 1. Stairways serving an occupant load of less than 50 shall have a width of not less than 36 inches (914 mm).

OCCUPANCY CLASSIFICATION

303.1 Assembly Group A. Assembly Group A occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or awaiting transportation.

Exceptions:

1. A building or tenant space used for assembly purposes with an occupant load of less than 50 persons shall be classified as a Group B occupancy.

Use Group B

EXISTING CONSTRUCTION TYPE

Type IA Construction.

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DATE: 07 JULY 2015
SCALE: AS NOTED
DRAWN: INT
PROJECT: PRJ-CODE

TABLE 3403 HAZARD INDEX

USE GROUP ⁽¹⁾	DESCRIPTION	HAZARD INDEX NO. ⁽²⁾
A-1	Theater with stage	6
A-2ac	Night Club	7
A-3	Theater without stage	5
A-2r	Restaurant	5
A-3	Lecture halls, recreations centers, museums, libraries, churches, similar assembly buildings	4
A-4	Indoor arenas, skating rinks, swimming pools, tennis courts	4
A-5	Bleachers, amusement park structures, grandstands, stadiums	4
B	Business	2
E	Educational (K through 12)	4
F	Factory and industrial	3
H	High hazard	8
I-1	Residential Board & Care; Social rehabilitation facilities; alcohol and drug centers; convalescent homes	4
I-2	Institutional incapacitated	4
I-3	Institutional restrained	5
I-4	Day care Centers for two years nine months or younger	4
M	Mercantile	3
R-1	Hotels, motels	4
R-2	Multi-family (4 or more dwellings)	4
R-2	Multi-family (3 dwellings)	2
R-3	Multiple single-family, One and two family	2
R-4	Residential care/Assisted Living facilities of 6-16 occupants excluding staff	2
S-1	Storage, moderate hazard	3
S-2	Storage, low hazard	1

PROPOSED

EXISTING

Notes to Table 3403.

- (1) See 780 CMR 3.00 and 4.00 and 780 CMR 120.S.
(2) Hazard Index Modifier for selected construction types as follows.

SECTION 6.02, Paragraph 1, TABLE OF OFF-STREET PARKING SPACE REQUIREMENTS

		RESIDENCE***	PUBLIC ASSEMBLY***	INSTITUTION	RETAIL & OFFICE		INDUSTRIAL	WAREHOUSE & OTHER	
		(Number of Spaces per dwelling unit)	(Number of seats requiring one space)		General		Medical & Dental		
					Ground Floor	Other			
									(Number of square feet of gross floor area requiring one space)
ZONING DISTRICT DEFINED BY MAXIMUM FLOOR AREA RATIO	0.15	2	3	350	200*	400*	200*	800*	1200*
	0.20								
	0.25								
	0.30								
	0.35								
	0.40	2.0/2.3**	4	450	200	400	200	800	1200
	0.50								
	0.75								
	0.75								
	1.00								
1.50	2.0/2.3**	5	550	350	600	250	800*	1200	
1.75									
2.00									
2.00									
2.50									

1. For the G-(DP) Special District, parking requirements shall be the same as those districts with a maximum floor area of 1.0, except as otherwise provided for in Section 5.06.4.g.

*Applicable to nonconforming uses.

**The greater requirement shall be provided for each dwelling unit containing more than two bedrooms and for each attached single-family dwelling containing two or more bedrooms. Bedrooms shall include any habitable room containing at least 100 square feet of area which could be converted to a bedroom other than a bedroom, kitchen, or living room.

***For use 6A. Limited Service hotel in the G-1.75 (LSH) Limited Service Hotel District, the minimum number of spaces for each dwelling unit shall be 0.5 and no additional spaces shall be required for floor areas used for eating, drinking, dancing, meeting halls or similar purposes.

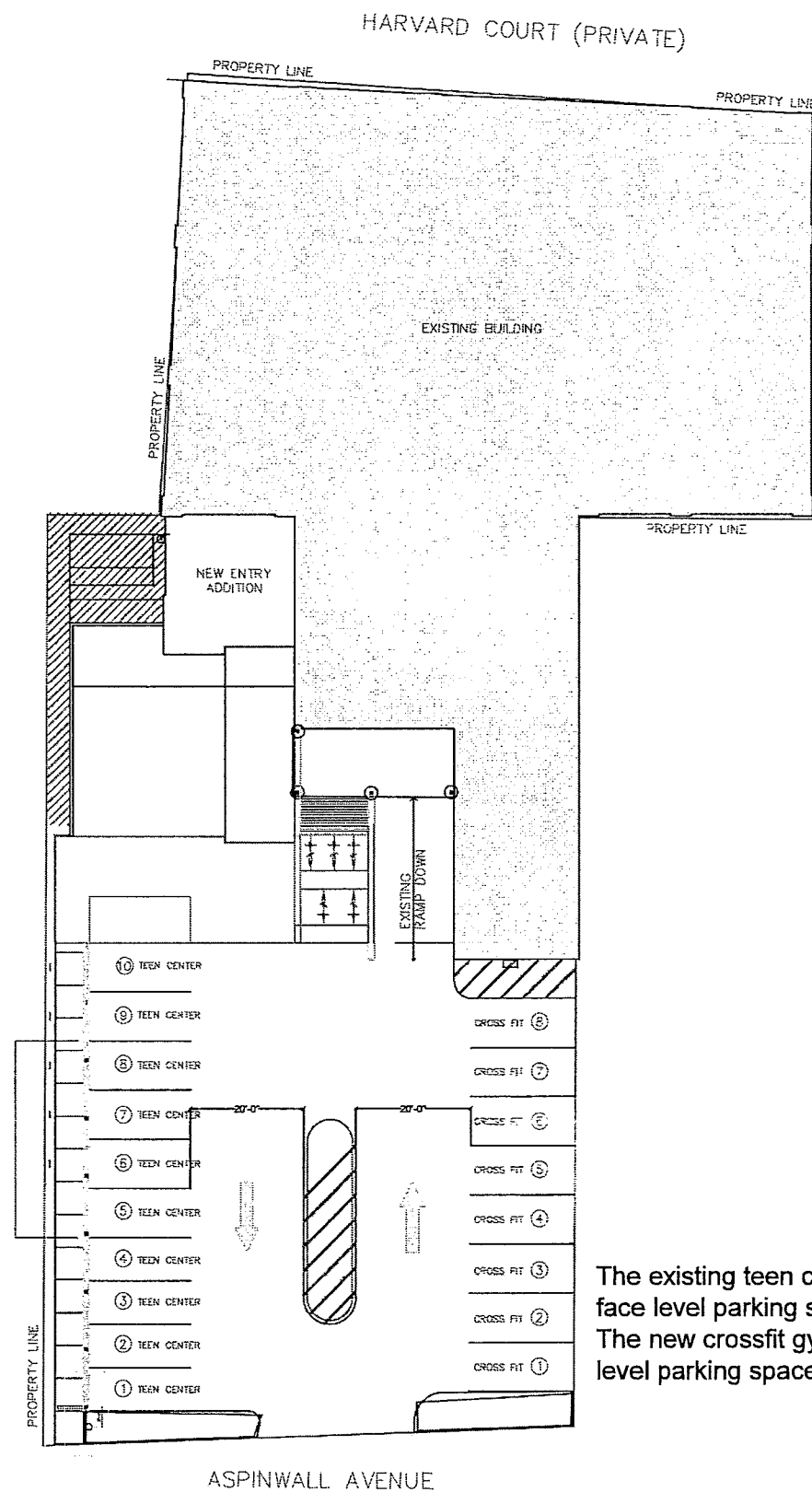
§6.02, paragraphs 2. through 7. contain additional requirements by type of use.

CROSSFIT GYM
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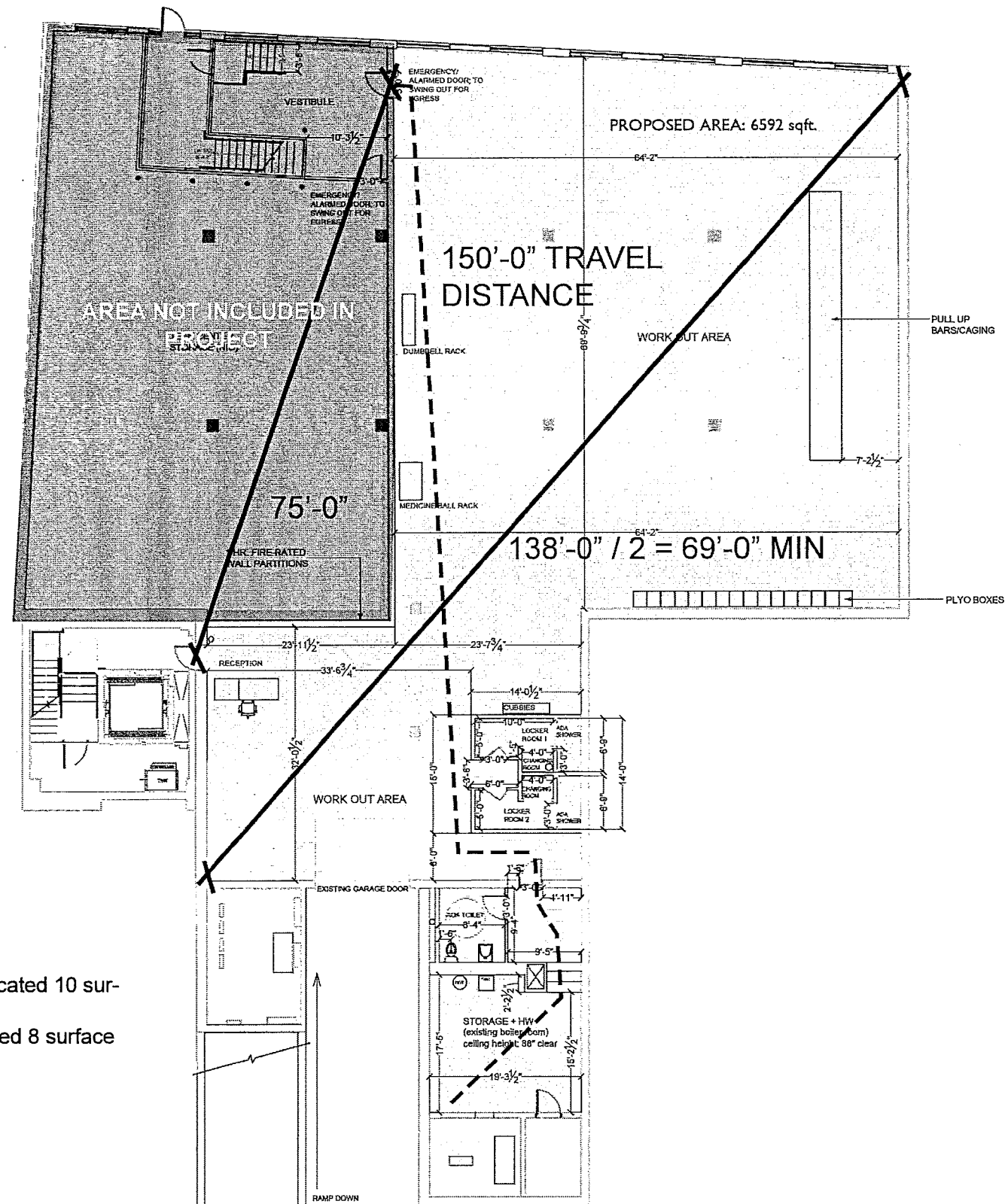
REVISIONS:
A -
A -
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LIFE SAFETY
NOTES

LS0.1



The existing teen center will be allocated 10 surface level parking spaces.
The new crossfit gym will be allocated 8 surface level parking spaces.



LS1.0

CROSSFIT GYM
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ARCHITECT: THOMAS NEAL, AIA

REVISIONS:

DATE: 07 JULY 2015
SCALE: AS NOTED
DRAWN: INT
PROJECT: PRJ-CDE

1

2

3